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In re Application of :
Shaolin Li :
Application No. 10/820,963 : DECISION ON RENEWED
Filed: April 7, 2004 : PETITION UNDER 37 C.F.R. §1.47(b)
Attorney Docket No. Epogy 2004-4 :
Title: MONITORING SYSTEM USING :
MULTI-ANTENNA TRANSCEIVERS :
:

This is in response to the renewed petition under 37 CFR §1.47(b)¹, filed January 18, 2005.

The above-identified application was filed on April 7, 2004. On June 21, 2004, applicant was mailed a “Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted” (Notice), requiring an executed oath or declaration in compliance with §1.63 and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, applicant filed the original petition on August 27, 2004, along with the surcharge, a statement of the last known address of the inventor, a statement that a complete copy of the application was sent to the non-signing inventor, and a copy of the inventor’s employment agreement.

11 A grantable petition under 37 CFR §1.47(b) requires:

- (1) The petition fee;
- (2) a surcharge if the petition was not filed at the time of filing of the application;
- (3) a statement of the last known address of each of the non-signing inventors;
- (4) proof that a copy of the application was sent or given to each of the non-signing inventors for review;
- (5) proof that each of the non-signing inventors refused to sign;
- (6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (7) proof of irreparable damage, and;
- (8) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

The original petition was dismissed via the mailing of a decision on October 13, 2004, for failure to meet requirements (6) – (8) above.

With this renewed petition, Petitioner has included a one-month extension of time to make timely this response², as well as a declaration of facts from one J. Nicholas Gross and a declaration which has been executed by the assignee which satisfy requirements (6) and (7) above.

It is noted that the declaration which Petitioner has submitted with this renewed petition fails to comply with 37 C.F.R. §1.63 in that it fails to list the citizenship for the inventor.

As such, Petitioner has met requirements (1) – (7) above, but requirement (8) has not been met. The renewed petition is **DISMISSED**.

On second renewed petition, Petitioner should submit an acceptable oath or declaration.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Second Renewed Petition Under 37 C.F.R. §1.47(b)," and should only address the deficiencies noted above, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The reply to this letter may be submitted by mail³, hand-delivery⁴, or facsimile⁵.

The Change in Correspondence Address has been entered and made of record.

The application file will be retained in the Office of Petitions for two (2) months.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Sharoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² The renewed petition contains a certificate of mailing dated January 13, 2005.

³ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁴ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁵ (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.